



DEPARTMENT OF THE NAVY  
COMMANDER, NAVAL AIR FORCE, ATLANTIC  
1562 MITSCHER AVENUE, SUITE 300  
NORFOLK, VA 23551-2427

5800  
Ser N01L/135  
23 May 16

From: Commander, Naval Air Force Atlantic  
To: File

Subj: ACTION OF THE FINAL REVIEWING AUTHORITY REGARDING THE LINE  
OF DUTY INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING  
THE DEATH ICO (b) (6) USN

Ref: (a) (b) (6) USN, ltr of 10 Jan 16 w/end and encls  
(b) JAG Manual, Chapter II

1. Reference (a) has been reviewed in accordance with reference (b). Further endorsement is considered unnecessary; therefore, the investigation is final and will be retained at this command for a period of two years from the date of this action. Any further correspondence regarding this matter should be forwarded accordingly. The subject line has been modified to ensure proper identification of the investigation for administrative purposes.

2. Summary. On 1 November 2015, (b) (6) was killed in an all-terrain vehicle (ATV) accident. Prior to the accident, (b) (6) was at a Halloween party and was too intoxicated to drive so he called a friend to come pick him up. When (b) (6) arrived home, he joined a group of people his roommate invited over who were sitting around a campfire. (b) (6) joined the group and sat on an ATV which was running with the keys in the ignition. (b) (6) proceeded to operate the vehicle even though several people warned him not to drive. (b) (6) went off the road into a ditch and hit a tree. Emergency responders arrived and pronounced him dead at the scene. The lead motor vehicle crash investigator smelled alcohol emanating from (b) (6) persons. A toxicology report was conducted which revealed (b) (6) had a Blood Alcohol Content .022. At the time of the accident, (b) (6) was not wearing a helmet.

3. After careful consideration of all relevant information, I concur with the Investigating Officer and subsequent endorser that (b) (6) intoxication was the proximate cause of his death. Therefore, I find his death was incurred not in the line of duty and due to his own misconduct.

4. (b) (6) was single with no dependents therefore the Survivor Benefit Plan is not applicable.

5. Per section 0236d(6) of reference (b), a complete copy of the report of investigation is forwarded to Commander, Navy Personnel Command (PERS-13). Per section 0218 of reference (b), a complete copy of this investigation will be forwarded to Commander, Naval Safety Center.

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Subj: ACTION OF THE FINAL REVIEWING AUTHORITY REGARDING THE LINE  
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THE DEATH ICO (b) (6) USN

6. The findings, opinions, and recommendations of the Investigating Officer are approved as  
endorsed.

(b) (6)

Copy to:  
COMNAVPERSCOM (PERS-13) (complete)  
COMNAVSAFECEN (complete)  
VFA-106  
(b) (6)



DEPARTMENT OF THE NAVY  
COMMANDER, STRIKE FIGHTER WING ATLANTIC  
NAVAL AIR STATION OCEANA  
1760 FIRST STREET  
VIRGINIA BEACH, VA 23460-2276

IN REPLY REFER TO:

5800

Ser NIL/088

21 Mar 16

SECOND ENDORSEMENT on

(b) (6)

USN, ltr of 10 Jan 16

From: Commander, Strike Fighter Wing Atlantic

To: Commander, Naval Air Force Atlantic

Subj: LINE OF DUTY INVESTIGATION ICO

(b) (6)

USN

1. Forwarded, concur with findings.

(b) (6)

Copy to:

VFA-106

(b) (6)

received  
5/16/16



DEPARTMENT OF THE NAVY  
STRIKE FIGHTER SQUADRON ONE ZERO SIX  
1760 FIRST STREET, SUITE 200  
VIRGINIA BEACH, VA 23464-2210

REF ID: A66666  
5800  
N1L/014  
23 Feb 16

FIRST ENDORSEMENT on (b) (6) USN, ltr of 10 Jan 16

From: Commanding Officer, Strike Fighter Squadron ONE ZERO SIX  
To: Commander, Naval Air Force Atlantic  
Via: Commander, Strike Fighter Wing Atlantic

Subj: LINE OF DUTY INVESTIGATION ICO (b) (6)  
USN

1. Forwarded, concur with findings. (b) (6)  
(b) (6) death was incurred not in the line of duty and was  
due to his own misconduct. (b) (6) post-  
mortem toxicology report indicated a Blood Alcohol Content (BAC)  
level of 0.22 percent by weight by volume. This BAC exceeded  
thresholds established in JAGINST 5800.7F section 0219 and  
resulted in severe impairment of vehicle control and significant  
degradation to required driving tasks. I assess the  
investigation provided clear and convincing evidence that  
intoxication was the proximate cause of (b) (6)  
(b) (6)

2. This Line of Duty investigation was hindered by delays  
obtaining toxicology results from civilian authorities. The  
official toxicology report is maintained at the Office of the  
Chief Medical Examiner and is only obtainable by law enforcement  
and next of kin. The report results were verbally obtained and  
verified through Naval Criminal Investigative Service liaison  
after a two month delay. Instructions for next of kin to obtain  
a written copy of the toxicology report are contained in  
enclosure (7) of the attached investigation.

(b) (6)

10 Jan 16

From: (b) (6) USN  
To: Commanding Officer, Strike Fighter Squadron ONE ZERO SIX  
Subj: LINE OF DUTY INVESTIGATION OF ALL TERRAIN VEHICLE (ATV)  
MISHAP RESULTING IN DEATH OF (b) (6) USN  
Ref: (a) JAGINST 5800.7E  
(b) OPNAVISNT 5100.12H CH-1  
Encl: (1) Appointing letter of 2 Nov 15  
(2) Copy of current PCS orders for (b) (6)  
(3) VFA-106 Incident SITREP  
(4) Statement and Summary of Police Report from Officer  
(b) (6) Virginia Beach Police Department  
(VBPD)  
(5) Witness Statement from (b) (6)  
(6) Copy of Page 13 for (b) (6)  
(7) Toxicology Results for (b) (6)

Preliminary Statement

1. Pursuant to enclosure (1), and in accordance with reference (a), I conducted a line of duty investigation regarding the ATV mishap resulting in the death of (b) (6) All reasonable and special requirements articulated in enclosure (1) were met. There were no significant difficulties encountered during this investigation. All evidence included herein is a true and accurate representation of the original document represented. (b) (6) USN, was consulted.

Findings of Fact

1. (b) (6) U.S. Navy, was a (b) (6) on active duty, attached to Strike Fighter Squadron ONE ZERO SIX, located at Naval Air Station Oceana, Virginia Beach, Virginia. [encl (2)]
2. (b) (6) was attending a Halloween party on the night of 31 October, 2015. During which time he had an undetermined amount of alcohol. [encls (4), (5)]

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Subj: LINE OF DUTY INVESTIGATION OF ATV MISHAP  
RESULTING IN DEATH OF (b)(6)

USN

3. (b)(6) called a friend to pick him up from the party because he was too intoxicated to drive. He received a ride from said friend, and left the Halloween party sometime between 0000 and 0030 on 1 November 2015. [encls (4), (5)]
4. (b)(6) returned to his house at (b)(6) where his roommate, (b)(6) was having a camp fire with five other friends. [encls (4), (5)]
5. (b)(6) joined the group of people at the camp fire, and sat on an ATV that had been left by the camp fire with the keys still in the ignition. [encls (4), (5)]
6. (b)(6) did not have any more alcoholic beverages while he was seated on the ATV. [encl (5)]
7. (b)(6) started, and proceeded to operate the ATV around the yard, and onto Winston Ave. [encls (4), (5)]
8. (b)(6) and his other guests attempted to warn (b)(6) that his actions were a bad idea. They were unable to stop him. [encl (5)]
9. (b)(6) went off the road into a ditch with the ATV, and his body continued into a tree. [encls (4), (5)]
10. (b)(6) was not wearing a helmet, while one was available. [encl (4)]
11. (b)(6) was pronounced dead by responding Emergency Medical Technicians. (b)(6) the lead motor vehicle crash investigator for the VBPd, noted the smell of alcohol on (b)(6) body. [encls (4)]
12. (b)(6) was found to have a Blood Alcohol Content (BAC) of 0.22 in a toxicology report conducted by the VBPd. [encl (7)]

Opinions

1. (b)(6) was intoxicated beyond the ability to adequately operate a motor vehicle on the night of 31 October, 2015. He had previously called a friend for a ride back from a party due to this fact. He then willingly decided to operate a

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(b) (6)

USN

motorized vehicle, against the advice of all of those present.  
[FOF (2), (3), (7), (8), (12)]

Recommendation

1. Based on the findings of fact and in accordance with reference (a), I recommend the line of duty determination to be not in the line of duty, due to the member's own misconduct.

(b) (6)

